

## **Chapter 82 – Towing**

**CODE  
County of  
FAIRFAX, VIRGINIA**

**Codified through  
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(Supplement No. 106, 12-06)**

### **Preliminaries**

**THE CODE  
OF THE  
COUNTY OF FAIRFAX  
VIRGINIA  
1976**

THE GENERAL ORDINANCES OF THE COUNTY

REPLACEMENT VOLUME INCLUDING  
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## **CHAPTER 82 Motor Vehicles and Traffic**

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1 **Section 82-5-32. Removal and disposition of vehicles unlawfully parked on private**  
2 **or County property.**  
3

4 (a) It shall be lawful for any owner, operator, lessee, or authorized agent of the  
5 one having control of the premises of any parking area or space therein or part  
6 thereof, or of any other lot or building, including the County, to have any motor  
7 vehicle occupying such lot, area, space or building or part thereof without the  
8 permission of such owner, operator, or authorized agent of the one having control  
9 of such premises removed by towing or otherwise to a storage site which meets  
10 the requirements of this Section until called for by the owner or his agent;  
11 provided, that the following conditions are met:  
12

13 (1) A property owner shall erect and maintain a permanent sign, readable  
14 during daytime and nighttime hours, conspicuously posted at all entrances  
15 or otherwise so located as to be visible to any person parking a vehicle on  
16 the property, notifying the public of parking restrictions and that towing is  
17 enforced. The signs must have wording that indicates "private property,"  
18 "reserved parking," or otherwise reasonably informs the public of parking  
19 restrictions and that towing of vehicles may occur. The words "If towed,  
20 call 691-2131" must be affixed to the front of each sign; provided,  
21 however, that the requirement for signs shall not apply on any property  
22 used at the time of removal for one single-family residence or one two-  
23 family residence.  
24

25 (2) A tow truck operator who tows a trespassing vehicle, parked in  
26 violation of the posted parking restrictions, from private or County  
27 property shall immediately notify the Fairfax County Public Safety  
28 Communications Center (PSSC); provided, however, whenever a vehicle  
29 is towed from locations within the Town of Herndon or the Town of  
30 Vienna, the tow truck operator shall notify the law enforcement agency in  
31 that jurisdiction.  
32

33 It shall be unlawful to fail to report such tow as required by this Section, and  
34 violation of the reporting requirement of this Section shall constitute a traffic infraction  
35 punishable by a fine of not more than \$100.00. Such failure to report shall limit the  
36 amount which may be charged for the storage and safekeeping of the towed vehicle to an  
37 amount no greater than that charged for one day of storage and safekeeping. The tow  
38 truck operator shall inform the law enforcement agency personnel of: (i) the name of the  
39 tow truck operator and the tow company removing the vehicle; (ii) the make, model,  
40 color, year, vehicle identification number and the license plate of the towed vehicle; (iii)  
41 the address the vehicle was towed from; (iv) the time that the vehicle was towed; and (v)  
42 the storage site where the vehicle is located.  
43

44 (3) The property owner, operator or lessee has directly or through an  
45 agent, expressly authorized the towing of the particular vehicle, or has by  
46 a written agreement or contract, delegated to a tow company and such

company's tow truck operators, the authority to make the decision to remove a trespassing vehicle without express authorization. For each vehicle towed, a tow company shall maintain, for a period of six months, a record of the authorization to tow, including: (i) the information required to be provided to the PSSC or other state or local law enforcement agency pursuant to subsection (a)(2) of this Section; (ii) the reason for the tow; (iii) the name, address, telephone number and authority of the person authorizing the tow, and that individual's signature, if expressly authorized; or (iv) reference to the written agreement delegating authority to the tow company and its tow truck operators to tow vehicles from the premises.

(4) Notwithstanding the foregoing provisions of this Section, if the owner or operator of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is connected to the towing vehicle, the owner or operator shall not be charged any fee; if the towing vehicle has been connected to the trespassing vehicle, the trespassing vehicle shall not be towed, but the owner or operator of the trespassing vehicle shall be liable for a reasonable fee, not to exceed \$25.00, in lieu of towing, provided that the owner or operator of the trespassing vehicle forthwith removes the trespassing vehicle from the premises.

(5) In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee, or other authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized by a boot or other device that prevents a vehicle from being moved by preventing a wheel from turning, provided that the boot or other device does not damage the vehicle or wheel. The charge for removal of such device shall not exceed \$25.00.

(6) In lieu of having such vehicle removed by towing or otherwise, or causing the vehicle to be immobilized, the owner, operator, lessee or other authorized agent of the premises on which the trespassing vehicle is parked may request that a duly authorized local government official or law enforcement officer issue, on the premises, a notice of the violation of a parking ordinance to the registered owner of the vehicle.

(b) This Section shall not apply to police, fire or public health vehicles or when a vehicle shall, because of a wreck or other emergency, be parked or left temporarily upon the property of another.

(c) The provisions of this Section shall not be construed to prohibit vehicles from being towed when otherwise permitted by law.

(d) A tow truck operator shall not tow a motor vehicle from private property unless the property owner has, directly or through an agent, expressly authorized

the towing of the particular vehicle. However, a tow company or tow operator, to whom the authority to make the decision to remove a trespassing vehicle has been delegated by the property owner or the owner's agent, may remove the trespassing vehicle at any time. Such operator must comply with all the requirements of this Article. A tow company or tow truck operator to whom the authority to make a decision to remove a trespassing vehicle has been delegated, shall not tow or remove a vehicle from private property unless the vehicle is parked in violation of restrictions posted on the sign required by subsection (a) of this Section.

(e) Every site to which trespassing vehicles are towed shall comply with the following requirements:

(1) A tow truck operator must tow each vehicle to a storage site located within the boundaries of Fairfax County.

(2) A storage site shall be lighted during the hours of darkness to afford distinct visibility to all portions of the facility.

(3) A towed vehicle shall not be stored more than a reasonable walking distance from the area where towing and storage fee payments are received.

(4) The tow operator shall exercise reasonable care to keep the towed vehicle and its contents secure at all times.

(5) Personal property in the vehicle must be released in accordance with State law.

(6) No tow truck operator may take a vehicle to a storage lot which does not meet these standards:

(A) Whenever a storage lot is closed, a conspicuous sign must be posted at the entrance of the storage lot which provides instructions and a local telephone number for obtaining release of a vehicle when the lot is not open;

(B) The local telephone number posted in the notice required by the preceding subsection shall be answered 24 hours a day; and

(C) The towed vehicle shall be available for release within two hours from the time the owner calls for the vehicle.

(f) All towing companies engaged in the business of towing vehicles from private property without the consent of the vehicle owner shall register with the Department of Cable Communications and Consumer Protection. Such registration shall contain the following information:

(1) Name, business address and telephone number of the towing company; and

(2) Address of each storage site to which trespassing vehicles are towed.

(g) Every tow company which engages in the towing of trespassing vehicles shall prominently display at its main place of business a comprehensive list of all its fees for towing, recovery and storage services and the company's normal business hours. A tow operator shall not collect from the owner of a towed vehicle charges in excess of those posted.

This section shall not apply to vehicles towed, stored, or both towed and stored at the request of a law enforcement officer.

(1) The maximum fees allowed to be charged are:

(A) Initial hookup and tow fee not to exceed \$50.00.

(B) Vehicle storage at a rate not to exceed \$25.00 for up to the first 24-hour period and shall not exceed \$25.00 for each subsequent 24-hour period or any portion thereof for the safekeeping of vehicles or trailers.

(C) Release fees may be charged for vehicles claimed by the owner after normal business hours. No release fee may be more than \$15.00. No other fees for release or administration may be charged.

(2) Towers may not charge additional fees for the use of a cable, flatbed, or dolly. Fees for extensive and unusual recovery and towing operations, including but not limited to the use of specialty equipment, may be charged at a reasonable rate.

(3) In all cases where a fee is paid, the tow truck company must provide the vehicle owner with a receipt that bears the complete name and address and telephone number of the tow truck company. Such receipt shall itemize all fees assessed in the towing, storage, and release of said vehicle. Such receipt shall include a printed notice stating that towers shall agree to mediate all complaints submitted to the Department of *Cable Communications and Consumer Protection* for resolution.

(h) A tow company or tow truck operator shall not require a vehicle owner to sign any waiver of the owner's right to receive compensation for damages to the owner's vehicle as a condition of the owner retrieving the towed vehicle.

(i) A tow company shall prominently display at the storage site, in a conspicuous place in that portion of the premises normally issued for receipt of payment, a sign which is readily noticeable and readable. The sign shall be furnished by the Department of Cable Communications and Consumer Protection, listing the Department's telephone number and informing consumers that they may contact the Department for assistance.

(j) A tow company or tow truck operator shall neither offer nor give any rebate, payment, or other compensation to a property owner or other person contracting for, authorizing or requesting the towing or removal of a vehicle.

(k) Except as otherwise provided by this Section, any violation of Fairfax County Code § 82-5-32 shall be punishable as a Class 3 misdemeanor. (3-13-63; 1961 Code, § 16-135; 34-78-82; 19-79-82; 30-89-82; 1-94-82, § 1; 19-06-82)

#### **Section 82-5-32.1. Trespass Towing Advisory Board.**

(a) *Created; members; staff; meetings.*

(1) There is hereby created a Trespass Towing Advisory Board ("Advisory Board"). The Advisory Board shall be composed of five members, two of whom shall represent towing operators (hereinafter called "towing members"), two of whom shall represent local law-enforcement agencies, and one of whom shall represent the community at large (hereinafter called "citizen"). All members shall be residents of Fairfax County, Virginia. Members of the Advisory Board shall be appointed or confirmed by the Board of Supervisors for terms of three years each. The terms shall be staggered with no more than two terms and no less than one term to commence in any one year. Vacancies shall be filled by the Board of Supervisors as they arise. A Chairperson shall be elected by the Trespass Towing Advisory Board from among the members of the Advisory Board. The Advisory Board may adopt bylaws and rules and regulations governing the conduct of its responsibilities and duties herein under.

(2) For purposes of membership on the Trespass Towing Advisory Board, a "towing member" shall be defined as a person who, prior to the time of his or her appointment, and throughout his or her term, shall be an operator of a towing business in Fairfax County; a local law-enforcement representative shall be defined as a Fairfax County police or sheriff.

(3) When a person occupying a "Towing," a "Law-enforcement," or a "public" position on the Advisory Board ceases to meet the qualifications for that position as defined above, he or she shall be deemed to have automatically and immediately vacated such position on the Advisory Board.

(4) The Advisory Board shall meet at the call of the Chairperson or two members of the Advisory Board after notice to all members, or upon request of the Board of Supervisors. The staff of the Advisory Board shall be supplied by the Department of Cable Communications and Consumer Protection. The Director of the Department of Cable Communications and Consumer Protection, or his or her designee, shall attend all meetings of the Advisory Board.

(b) *Section 82-5.1-2. Duties of the Trespass Towing Advisory Board.*

(1) The Advisory Board shall provide information to the public concerning the rights and responsibilities of towers and citizens.

(2) The Advisory Board shall forward to the Board of Supervisors, as appropriate, recommendations for changes in legislation at all levels of government.

(3) The Advisory Board, or its duly appointed representatives, shall represent the County interests concerning tower-citizen matters before judicial, legislative, administrative and other public or private bodies upon direction of the Board of Supervisors.

(4) The Advisory Board shall advise the Board of Supervisors about the nature, causes and possible solutions to tower-citizen problems.

(5) The Advisory Board may hold public hearings and report its findings to the Board of Supervisors on tower-citizen issues that affect the public interest.

(6) The Advisory Board shall make towers and citizens aware of the conciliation and mediation services available through the Fairfax County Department of Cable Communications and Consumer Protection.

(7) The Advisory Board may arbitrate tower-citizen complaints, upon agreement of the parties, pursuant to the Rules of Procedures adopted by the Advisory Board.

(8) The Advisory Board shall report periodically to the Board of Supervisors on the activities of the Trespass Towing Advisory Board.

(c) *Section 82-5.1-3. Powers of the Trespass Towing Advisory Board.* In carrying out its duties as described in Section 82-5.1-2, the Advisory Board shall have the power to make findings of facts and to make and adopt such rules of procedure, which shall be published, as may be necessary or proper for carrying out its functions under the provisions of this Chapter. (19-06-82.)

277  
278 **Section 82-5-32.2. Department of Cable Communications and Consumer Protection.**  
279

280 (a) *Duties of the Department of Cable Communications and Consumer*  
281 *Protection.*  
282

283 (1) The Department shall receive, investigate, record, and attempt to  
284 resolve towing complaints.  
285

286 (2) The Department shall forward, when appropriate, complaints that  
287 cannot be successfully mediated to the Trespass Towing Advisory Board  
288 for arbitration, upon agreement of the parties, pursuant to the arbitration  
289 procedures officially adopted by the Advisory Board.  
290

291 (3) The Department shall refer, when appropriate, suspected violations of  
292 law to the proper enforcing agency.  
293

294 (4) The Department shall maintain records of towing complaints and  
295 their disposition.  
296

297 (5) The Department shall develop programs of towing education and  
298 information and disseminate such information.  
299

300 (6) The Department may provide advice and information on tower and  
301 citizen relations matters to judicial, legislative, administrative, and other  
302 public and private bodies.  
303

304 (7) The Department shall analyze the nature of tower and citizen  
305 relations problems in Fairfax County and recommend to the Board of  
306 Supervisors legislative and administrative changes.  
307

308 As to County parking regulations, see the Zoning Chapter of this Code. (19-06-82.)  
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